

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

-----X
SUPERIOR EXTRUSION, INC., :
individually, and on behalf of all others :
similarly situated, :
:
Plaintiff, :
:
-against- : **No. 2:13-cv-13315-PDB-MAR**
:
GOLDMAN SACHS GROUP, INC., :
GS POWER HOLDINGS LLC, :
METRO INTERNATIONAL :
TRADE SERVICES LLC, :
LONDON METAL EXCHANGE :
LIMITED; LME HOLDINGS LIMITED; :
JOHN DOES 1-10 :
:
Defendants. :
-----X
CUSTOM ALUMINUM PRODUCTS, INC.:
individually, and on behalf of all others :
similarly situated, :
:
Plaintiff, :
:
-against- : **No. 2:13-cv-13418-PDB-MAR**
:
GOLDMAN SACHS GROUP, INC., :
GS POWER HOLDINGS LLC, :
METRO INTERNATIONAL :
TRADE SERVICES LLC, :
LONDON METAL EXCHANGE :
LIMITED; LME HOLDINGS LIMITED; :
JOHN DOES 1-10 :
:
Defendants. :
-----X

INTERNATIONAL EXTRUSIONS, INC. :
 individually, and on behalf of all others :
 similarly situated, :

Plaintiff, :

-against- :

No. 2:13-cv-13555-PDB-MAR

GOLDMAN SACHS GROUP, INC., :
 GS POWER HOLDINGS LLC, :
 METRO INTERNATIONAL :
 TRADE SERVICES LLC, :
 LONDON METAL EXCHANGE :
 LIMITED; LME HOLDINGS LIMITED; :
 JOHN DOES 1-10 :

Defendants. :

STIPULATED ORDER

WHEREAS, on August 7, 2013, Plaintiff Superior Extrusion, Inc., pursuant to 28 U.S.C. § 1407, filed a motion to transfer all Related Actions to this Court with the United States Judicial Panel on Multidistrict Litigation (“JPML”), opening MDL No. 2481;

WHEREAS, on August 8, 2013, pursuant to LR 83.11, Plaintiff Custom Aluminum Products, Inc. filed Case No. 13-13418, as a Companion Case to the first-filed and low-numbered related case filed by Plaintiff Superior Extrusion, Inc., Case No. 13-13315;

WHEREAS, on August 16, 2013, pursuant to LR 83.11, Plaintiff International Extrusions, Inc. filed Case No. 13-13555, as a Companion Case to the first-filed and low-numbered related case filed by Plaintiff Superior Extrusion, Inc., Case No. 13-13315;

WHEREAS, on August 16, 2013, pursuant to LR 83.11, the Court reassigned Case No. 13-13418 to Your Honor as a Companion Case;

WHEREAS, for purposes of this Stipulation and [Proposed] Order, the following Definitions shall apply:

a. **“Stipulating Plaintiffs”** shall mean Plaintiffs Superior Extrusion, Inc., Custom Aluminum Products, Inc., and International Extrusions, Inc.

b. **“Stipulating Defendants”** shall mean the London Metal Exchange and LME Holdings, Ltd.

c. **“Individual Actions”** shall mean those civil actions filed by Stipulating Plaintiffs against Stipulating Defendants in the Eastern District of Michigan, including Civil Action Nos. 13-13315, 13-13418 and 13-13555.

d. **“Other Related Actions”** shall mean all civil actions now pending or other actions such as may be subsequently filed in, or removed to, federal court, asserting related or similar claims as made in the Individual Actions, including, but not limited to, Civil Action Case Nos. 13-cv-00431 (N.D. Fla.), 13-cv-05267 (E.D. La.), 13-cv-5537 (S.D.N.Y.), 13-cv-1464 (C.D. Cal.), 13-cv-13413 (E.D. Mich.), 13-cv-13701 (E.D. Mich.).

e. **“Related Actions”** shall mean the Individual Actions and the Other Related Actions, collectively.

WHEREAS, Stipulating Plaintiffs and Stipulating Defendants, by and through their undersigned counsel, stipulate, unless ordered otherwise by the Court, to the following Order:

1. ***Acceptance of Service and Waiver of Formal Service of Process.*** The undersigned counsel for the Stipulating Defendants hereby accept service of the complaints in the Individual Actions for the Stipulating Defendants and waive the need for formal service of process.

2. ***Extension of Time to Respond until After JPML Rules in MDL No. 2481.*** The Stipulating Defendants’ time to answer, move or otherwise plead in response to any operative complaint filed by Stipulating Plaintiffs is hereby extended until sixty (60) days after a

consolidated amended complaint is filed in the District to which the JPML assigns the Individual Actions and all Other Related Actions.

3. ***No Other Waiver.*** Except as to the sufficiency of process or service of process, the entry into this Stipulation by the Stipulating Defendants shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or a waiver of any other statutory or common law defenses that may be available to the Stipulating Defendants in the Individual Actions and/or the Other Related Actions. The Stipulating Defendants expressly reserve their rights to raise any such defenses in response to any operative or amended complaint that may be filed relating to the Individual Actions.

4. Nothing herein shall be construed to stay this action.

SO ORDERED.

s/Paul D. Borman
HON. PAUL D. BORMAN
UNITED STATES DISTRICT COURT

Dated: September 20, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 20, 2013.

s/Deborah Tofil
Deborah Tofil
Case Manager (313) 234-5122

STIPULATED AND AGREED TO THIS 17th DAY OF SEPTEMBER 2013.

LOVELL STEWART HALEBIAN JACOBSON LLP

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